

\$5,000, conditioned in part that it should not be sold or disposed of until relabeled to show the correct contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16092. Adulteration and misbranding of ampuls of Endoquin (quinine hydrochloride), Endoferarsan with glycerophosphates (iron arsenic and glycerophosphates), Endoferarsan (iron and arsenic), and emetine hydrochloride. U. S. v. Intravenous Products Co. of America (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 22577, I. S. Nos. 14831-x, 16037-x, 16038-x, 16039-x.)

On October 15, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Intravenous Products Co. of America (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, from the State of New York into the State of New Jersey, on or about February 26, 1927, of a quantity of Endoquin (quinine hydrochloride), on or about May 29, 1926, of a quantity of Endoferarsan with glycerophosphates (iron arsenic and glycerophosphates), on or about August 20, 1926, of quantities of Endoferarsan (iron and arsenic), and emetine hydrochloride, which said products were adulterated and misbranded. The articles were contained in ampuls, labeled in part respectively: "Endoquin (Quinine Hydrochloride)," "Endoferarsan with Glycerophosphates (Iron Arsenic and Glycerophosphates)," "Endoferarsan (Iron and Arsenic)," "Emetine Hydrochloride," and "Intravenous Products Company of America, Inc., New York," and bore the further statements as hereinafter set forth.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that 5 mls of the Endoquin (quinine hydrochloride) was represented to contain 0.5 gram (7½ grains) of quinine hydrochloride; whereas 5 mls of the said Endoquin contained not more than 0.3661 gram (5.65 grains) of quinine hydrochloride; 5 mls of the Endoferarsan with glycerophosphates was represented to contain 0.065 gram (1 grain) of ferric dimethylarsenate, whereas 5 mls of the said Endoferarsan with glycerophosphates contained not more than 0.0333 gram (0.51 grain) of ferric dimethylarsenate; 5 mls of the Endoferarsan was represented to contain 0.065 gram (1 grain) of ferric dimethylarsenate and 0.2 gram (3 grains) of sodium dimethylarsenate, which represents an equivalent of 0.1234 gram (1.9 grains) total arsenic trioxide, whereas 5 mls of said Endoferarsan contained less ferric dimethylarsenate and sodium dimethylarsenate than represented, namely, not more than the equivalent of 0.0208 gram (0.32 grain) of total arsenic trioxide; and 5 mls of the emetine hydrochloride was represented to contain 32 milligrams (one-half grain) of emetine hydrochloride, whereas 5 mls of said emetine hydrochloride contained not more than 0.0194 gram (0.3 grain) of emetine hydrochloride.

Misbranding of the articles was alleged for the reason that the statements, to wit, "Five mls represent Quinine Hydrochloride 0.5 gram (7½ grains)," with respect to the Endoquin, "Five mls represent Ferric Dimethylarsenate 0.065 gram (1 grain)," with respect to the Endoferarsan with glycerophosphates, "Five mls represent Ferric Dimethylarsenate 0.065 gram (1 grain), Sodium Dimethylarsenate 0.2 gram (3 grains)," with respect to the Endoferarsan, and "Five mls represent 32 milligrams (½ gr.) of Emetine Hydrochloride," with respect to the emetine hydrochloride, borne on the labels attached to the ampuls containing the respective articles, were false and misleading in that the said statements represented that the articles contained the said ingredients in the proportions declared on the labels, whereas they did not, but contained the said ingredients in a less amount than so declared.

On November 14, 1928, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16093. Misbranding of olive oil. U. S. v. 29 Cartons, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22076. I. S. Nos. 16770-x, 16771-x, 16773-x. S. No. 119.)

On October 3, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amendment

to said libel, praying seizure and condemnation of 83 $\frac{1}{4}$ cartons of olive oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Leo Crisafulli, New York, N. Y., on or about July 29, 1927, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Campagnola Brand Choicest Pure Olive Oil * * * Net Contents 1 Gallon (or " $\frac{1}{2}$ Gallon")." The remainder of the said article was labeled in part: "Contents One Gallon Corolla Brand Pure Olive Oil."

It was alleged in the libel, as amended, that the article was misbranded in that the statements "Net Contents $\frac{1}{2}$ Gallon" and "Contents 1 Gallon," borne on the labels, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 12, 1928, Leo Crisafulli, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$150, conditioned in part that it be made to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16094. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22916. I. S. Nos. 24014-x, 24015-x, 24016-x. S. No. 938.)

On July 5, 1928, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Sherman White & Co., from Waterloo, Ind., June 14, 1928, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Cartons) "One Pound Net Weight * * * Manufactured by Sherman White & Company." The remainder of the said article was unlabeled except that parchment wrappers were perforated "XU ADDG."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith, so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. The charge recommended by this department relative to declaration of contents applied only to that portion of the product the parchment wrappers of which were perforated "XU ADDG." As to this portion the charge recommended was that it was further misbranded in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 7, 1928, the Sherman White Co., Fort Wayne, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the claimant be permitted to recondition the product under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16095. Adulteration of frozen poultry. U. S. v. 140 Barrels, et al., of Frozen Poultry. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22781, 22784. I. S. Nos. 24485-x to 24489-x, incl. S. Nos. 815, 820, 821.)

On or about May 21, 1928, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and